

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-CR-21

v.

SAMY MOHAMMED HAMZEH,

Defendant.

ORDER

WHEREAS, the Court finds that the United States has a compelling interest in protecting the confidentiality of certain sensitive discovery materials in this matter, and materials implicating the privacy interests of the defendant and third parties;

AND WHEREAS, the Court has the authority under Federal Rules of Criminal Procedure 16(d)(1) to enter the requested protective order for good cause shown and in the interests of justice;

IT IS THEREFORE ORDERED, that all discovery materials, including all recordings, transcripts, and reports, provided to the defense by the government are to be used by the defense solely for the purpose of allowing the defendant to prepare his defense, and shall not be disclosed publicly without prior authorization from the Court. The defense may file motions with the court based upon information contained within the discovery materials but may not disclose any information which may tend to identify any Federal Bureau of Investigation confidential human source or undercover officer.

IT IS FURTHER ORDERED that except as provided below, members of the defense team may show or describe (but not provide copies of) discovery materials to witnesses or potential witnesses during the course of their investigation of this case. No audio or video recording of any Federal Bureau of Investigation confidential human source or undercover officer involved in the investigation in this case, and no transcript or report tending to identify that person shall be disclosed or disseminated by the defendant or his counsel in any form, including by oral or written description, to any individuals, organizations or other entities, other than members of the defense team (counsel of record, co-counsel, paralegals, investigators, translators, litigation support personnel, experts retained to assist in the preparation of the defense, secretarial staff, and the defendant). Each of the individuals to whom disclosure is made shall be provided a copy of this protective order and will be advised that he or she shall not further disclose or disseminate the materials. The defendant may listen to or view any such discovery materials subject to the provisions of this Order. Counsel and the defendant shall store all discovery materials, and any copies thereof, in a secure place.

IT IS FURTHER ORDERED that discovery materials may be provided to the defendant at the facility of his detention for his review consistent with this Order. Access to any discovery materials at the facility of detention shall be limited to the defendant, counsel of record, co-counsel, paralegals, investigators, translators, experts retained to assist in the preparation of the defense, and litigation support personnel. When not under review by said persons, the discovery material shall be secured by the facility of detention from all other persons.

IT IS FURTHER ORDERED that the defendant may seek relief from these protective provisions as to a particular item or items of discovery by filing a motion with the Court under seal stating the need and seeking permission to do so. No disclosure of the item(s) shall be made

until the Court so permits. The government will be provided with notice of the motion and be granted an opportunity to respond before any such order is entered.

IT IS FURTHER ORDERED that at the conclusion of these proceedings, or upon withdrawal or termination of counsel from this matter, all discovery materials and any and all copies thereof, whether hard or electronic, provided to the defense team, including any expert witnesses, shall be returned to the United States Attorney for the Eastern District of Wisconsin.

FINALLY, IT IS ORDERED that this order is entered without prejudice to either party's right to seek a revision of the order or any additional protective order by appropriate motion to the Court.

Date

HONORABLE WILLIAM E. DUFFIN
United States Magistrate Judge